



FREEDOM OF INFORMATION CENTER PUBLICATION NO. 19

ACCESS TO INFORMATION IN MISSOURI

At the meeting of the Missouri Press Association's Freedom of Information Committee June 27, 1959, it was recommended that a survey of access conditions in Missouri towns and cities be conducted jointly by the Missouri Press Association and the Freedom of Information Center at the School of Journalism.

Accordingly, a questionnaire went to 315 Missouri publishers asking their comments on the amount of freedom they enjoyed while gathering news of local government and schools; how good they considered their coverage of such news; what they did if they met restrictions; and whether they favored adoption by Missouri of the Sigma Delta Chi Model Access Statute. One hundred publishers responded. What they had to say is the subject of this article.

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Rosy and friendly — this pretty well describes the access picture in Missouri, according to those 100 publishers who filled out questionnaire forms (August-September 1959). They saw: little restriction, good news coverage, and generally good feeling between newspapermen and city and school officials. And if there was trouble, the majority of respondents felt it should be worked out without stirring up any trouble. Only six said they had ever reverted to the use of courts to open news sources. Despite this general aura of "good times," however, the question concerning SDX's Model Access Statute brought 88 responses for adopting the statute in Missouri, with only five against. Perhaps a vestige of insecurity.

The specific municipal and school agencies were mostly voted "open." Several were seen as "open conditionally," but very few were listed as "closed." The county school board was called "closed" on four responses, the county superintendent of schools on three responses, and the city board of education on three responses. These were the worst offenses.

One editor complained, "The superintendent requires all teachers to submit copy to his office for approval before being sent to press. Coach here was fired last year because he worked too closely with me. Administration will deny this and all other references to his tight control over school news, but they are nevertheless true.

"School board meetings are covered regularly through the superintendent. Last year's coach was my only inside source of good, straight info. Hence the ax for him."

As far as the general picture was concerned, 49 called public records and public meetings in their towns "en-

tirely free"; 43 called them "fairly free"; and only five bemoaned the fact that they were "not very free." Three respondents provided write-in answers on the questionnaire — they called public meetings and records "entirely free except for school boards."

School Boards Weren't the Only Sore Spot

School boards weren't the only sore spot mentioned, however. Here are samples of other complaints:

"... the city council tried to license my newspaper."

— Financial statements of city not available.

— Agenda and minutes of public meetings not available to press.

— Teachers' salaries not disclosed.

— Marriage licenses not available to the press.

One publisher spoke frankly and at length of his plight:

"We are not the newspaper editor we once thought we would like to be . . . more and more it seemingly appears public officials or public anything simply do not want the public to know. There are things going on in local and school governments and our county government almost as rotten as they can get. But we do live here and most of all — we do owe the banks and we are reminded of that when we get too much out of line. A director of our local bank has given us permission to print whatever the superintendent of schools wants us to print — nothing else permitted. He said so." On the questionnaire sheet listing the individual municipal and school agencies, this respondent wrote in large letters: "No public meetings."

Everything rosy? Not everywhere.

Another editor complained about local government and school meetings:

"... during the reporter's presence, the meeting is only 'routine.' After he leaves, the business at hand is processed — and what is available 95 per cent of the time is 'highlights' as they see fit to release, with the comment: 'Nothing decided — not doing much.'"

How Good Is Local Coverage?

If almost all the respondents viewed local conditions as "entirely free" or "fairly free," then what kind of job do they feel they're doing in covering news of city government and schools?

Thirty-seven said "very good" — 56 marked "fairly good." Seven admitted they did a "poor" job.

The checklist of agencies was revealing here. Sixteen said they covered the activities of the mayor (or city manager) irregularly; three said they never covered them. Eleven gave only irregular notice to the city council, while four ignored it completely.

For police court, 20 marked "irregular" coverage, while five said they never covered it; municipal court had 11 marked "irregular" and one "never."

Discrepancies seemed to crop up with regard to coverage. Some respondents called government and school agencies in their towns "fairly free" or "not very free" — and then said they provided "very good" coverage. There was room for ambiguity here. Either they meant they provided the very best coverage under the circumstances — or their definition of "very good" was somewhat meager.

Despite the various complaints registered, 94 said they had never sought the aid of courts in opening meetings and/or records. Six had gone to the courts for assistance.

Many volunteered suggestions as to how access conditions in Missouri could best be improved, but only one mentioned recourse to the courts.

'What to Do' Drew Many Responses

"What to do" drew a generous amount of responses. One response, in big, bold handwriting was simply: "Raise hell." Another approach involved a four-point program:

1. Get a "Right to Know" law passed by the General Assembly.

2. "Harp" on the subject, when news is denied, through editorial and news columns.

3. Solicit the aid of neighboring newspapers when information is denied.

4. Contact members of the local and county bar for their support. "These men can often mean the difference between whether records are open or closed."

Conversely, some suggestions seemed to skirt the real issue, that is, the right of access to public meetings and records.

One respondent evidently equated taking a stand for press freedom with a much-maligned past era of journalism: "We hope the time never comes when we have to put up with the so-called 'Yellow Journalism.'" This was written under the question: "What do you think editors in Missouri ought to do, if anything, to improve access conditions? Comment:"

Other answers that failed to meet the issue head-on: — "Try to get along with public officials instead of hunting trouble."

— "Best way to make officials cooperate is to quit using their names in stories. They thrive on publicity. They wither when ignored."

— "Support office-seekers who agree that free access to public records is the only method of discharging the duties of such offices."

— "Get it (the news) somewhere else."

Some chose to emphasize the newspaper's responsibility instead of its rights:

— "We have held up certain facts until a proper evaluation could be had. We do not try to 'shoot from the hip.'"

— "Tolerance and understanding of the other man's problems will usually get us any information we need."

Some Blamed Newspapers for Their Troubles

A few of the respondents laid the responsibility for access blockage at the feet of the newspapers themselves.

— "Display stature themselves. Quit tapping utility firms for press party handouts. . . . It's questionable whether the taxpayer ever can be made to understand how he's been hoodwinked — but as long as the press fails to make it known, the hoodwinking and quackery will continue to eat away freedom of information along with all the other individual rights. Frankly, I suspect it's a losing fight."

— "There is, I think, something to be said in behalf of under-reporting as opposed to over-reporting local government affairs. A pipsqueak controversy that will die of its own weight can be ballooned into a town fight with headlines, to the good of no one."

— "Many of us need to be a little less arrogant in our pursuit of information and make sure that we are interested in preserving press freedom instead of our pocket books." (This respondent criticized, as an example, the attempt of a publisher to have a city financial statement published. He said it was for profit motives, not press freedom.)

— "Do not expect public officials to do your work for you."

— "Do a thorough job of reporting public, tax-paid meetings. . . . If we miss a new official for a couple of years and then try to get news from his office, he may wonder if we have the right to it."

— "When editors publish a story on local or county government, they should make sure the facts are accurate and printed in the right context."

— "Maintain a fair attitude toward governing bodies and maintain an interest in their proceedings."

The written word and persuasion are still the keys to freer access, according to some publishers. Here are some of their responses:

— "If editors are barred from access to records they should tell the public about it in news stories and editorials."

— "We usually tell the officials, 'OK, if you won't release the info or let us in on the records, we'll just say so in the paper!' It has always worked here."

— "Educate the public that it is their right to know what public officials are doing."

— "Keep up pressure day after day on officials who advocate non-public governmental procedures. It is a battle that can be won only by prolonged persistence, just as it is lost a little bit every day by indifferent newspapers."

— "(Editors) should sit down and try to explain to some of the people feeding at the public trough why it is important for all the facts to be made available, consistently. We are not advocating street fights but we are pushing for legal means to get this information."

— "Editors must everlastingly tell the same story . . . each year produces a brand new set of uninformed readers."

—“Should quit pussyfooting around and call the public's attention to the failure of the public officials and name them . . . in the editorials.”

—“We apply pressure through our news columns with a simple statement to the effect that a closed meeting was held. . . . We have found that public officials do not like this type of publicity and seem to be more cooperative in the future.”

—“Write a few more editorials.”

Most Editors Don't Want Trouble

The questionnaire asked, “If your paper finds that local government officials block gathering of news that should be made public, what do you do?”

“Demand our rights,” claimed 29; 54 said “try to work out an agreement without stirring up trouble”; and three said “let it go.”

Those who said they demanded their rights provided comments appropriate to this stand:

—“I feel that every editor should be ready to fight for freedom of the press at the drop of a hat.” (By the editor who had fought the efforts of his city council to license his newspaper.)

—“*Mandamus* action will open any records, other than juvenile. This and a little guts are all that are needed.”

—“Quit going along with so-called ‘City Dads’—that this or that situation be on a hush basis on the grounds ‘It would just stir up trouble.’ How wrong can you be. Especially in a small community such as mine, there are always those on the boards that have ‘nothing for the paper’—but do they talk to their friends! This soon turns into a football of misinformation.”

—“Raise hell.”

Almost nine-tenths of the respondents voted to carry this battle for press freedom to the General Assembly by voting for the Sigma Delta Chi Model Access Statute (88 for, five against).

Here are some of the reasons given for favoring the SDX proposal:

—“Nothing will be done any more unless it is legally demanded, which will have to come.”

—“While we've never had trouble of this sort, a change in administration could change the situation. It would be wise to have such a statute on the books.”

—“This would be a good law. It would eliminate any haggling with officials to get at the records.”

—“I'd like the legislature to give us a law making access to records of public bodies available to newspapers. There may be times when publicity is not desirable, but the average publisher is sufficiently responsible to his community that he would not take advantage of such a situation.”

—“I believe that the statute should be amended to make reading of the statute by new office-holders and re-elected office-holders mandatory along with the oath.”

Some Opposed SDX Statute

Although the vote was overwhelmingly for the SDX statute, there was considerable commentary from those who were opposed to the statute, or who voted for the

statute with reservations.

—“In general it doesn't seem to me that ‘passing a law’ is much help in solving problems of this sort—and often is a hindrance since the effort to get to the root of the difficulty—in this case apathy of the people more than anything else, probably—often bogs down because of the willingness to let the ‘law’ take care of the situation. We'd probably be in for a real shock if we enforced all the ‘laws’ on the books now.”

—“We have too damn many statutes now. It is entirely unnecessary.”

—“I believe it's a fairly well established fact in Missouri that freedom of access is a reality. Why stir something up and get laws passed for exceptions to an access statute?”

—“If amendments are attached allowing certain kinds of business to be conducted in executive sessions, then secret meetings would be legalized. We would be worse off than we are now.”

—“I feel it would just be another law on the books. Newspapers don't need any more laws. . . .”

—“There is more to reporting than adopting a code. I think a great deal of the relationship between city officials and reporters is based on the type of reporting.” (Respondent voted for SDX statute.)

—“I would hesitate to go on record as opposing any effort to free access to public records; however, the bill as stated seems to me to be too all-inclusive and seems to lack any reservations.” (Respondent voted for SDX statute.)

Some reservations, and some opposition—but still the preponderant majority generally favors some access legislation along SDX statute lines.

Closed Meetings Favored by a Few

The following statements are rather surprising coming from newspapermen. But there were few of them (all are included here). They reflect the desire to impose more limitations on newspapers, not grant more freedoms. According to this view, officials' “prejudices” are a more reliable guide than “prejudices” of newspapermen and the public, concerning what the public should have and what would be harmful.”

—“While the general purpose of the (SDX) act is well and good, public interest cannot always be best served publicly because of prejudices, especially in small towns, arising when a 50-50 ballot results, or fair action is received unfairly by the public.”

—“Some governing bodies should be allowed executive sessions as often there are matters that should not be discussed publicly.”

—“I am opposed to public records being microfilmed for general publicity.”

—“I think the model statute would probably have to be amended to include some provision for restricted executive sessions, as has been done in Massachusetts where a recently enacted law requires that records must be kept of executive sessions and that votes taken in executive sessions may remain secret only as long as their publication would defeat the lawful purposes of the executive session.”

Many newspapermen seem to fear such a suggestion because it still would leave the decision to open meetings or records to the officials, not the reporter.

Conclusion

Missouri publishers indicated, with their answers, that news-gathering restraints aren't common (although in some cases the editor needs to be on good terms with the official). A few serious restrictions, or attempts at restriction, were reported.

This report, of course, is not a complete picture since only one of three publishers responded. But a pattern does emerge from the 100 questionnaires returned.

A semantic problem became obvious early in the survey: what is "open" to one man may be quite different from what is "open" to another. The same is true of "very good" news coverage. Discrepancies concerning the latter point were mentioned earlier.

In some cases, news coverage would be called "very good" but some specific government or school agencies were not covered by the newspaper. This would indicate that the press does not at all times and all places exist solely as a watchdog of our liberties.

If news sources were blocked, most respondents preferred to work out the differences peaceably, although 29 said they would demand their rights. The use of courts was not a favored device to open meetings or records.

And yet almost all the respondents showed a desire for an additional legal tool for keeping public records and meetings open by voting for the SDX Model Access Statute.

With some exceptions, then, the picture looks good. Respondents generally agreed upon quiet, peaceful means as the best way to maintain or restore press freedoms. It seems that a state-wide access law would be well-received partly because of its impersonal nature — it would be less damaging to a paper's standing than a bitter squabble with local officials. At any rate, this safeguard was wanted, despite present optimism.

	OPEN	OPEN CONDITIONALLY	CLOSED	COVERED REGULARLY	COVERED IRREGULARLY	NEVER COVERED
Police Dept.	73	13	0	64	15	1
Fire Dept.	83	0	0	61	16	1
Police Court	75	10	0	52	20	5
Municipal Court	46	6	0	29	11	2
Mayor, City Mgr.	70	12	1	54	16	3
City Council	77	7	0	62	11	4
Zoning Commission	27	1	0	16	9	1
City Planning Bd.	27	3	0	19	7	1
City Clerk	70	6	0	50	15	1
City Attorney	59	9	0	39	17	2
City Engineer	45	5	0	27	10	3
Street Commissioner	58	3	0	29	12	6
City Park Board	56	4	0	27	18	4
Light and Water	45	6	1	27	11	4
Justice of Peace (Magistrate)	18	4	0	14	3	1
Water	73	4	1	33	21	4
Gas	9	1	0	5	5	0
Electricity	34	3	2	17	15	0
Airport	15	0	0	6	7	0
Swimming Pool	27	0	0	11	9	0
Garbage	27	2	0	11	7	1
Telephones	9	2	0	3	5	0
Sewage	51	2	1	24	16	2
Supt. Public Schools	74	13	2	60	17	1
City Bd. of Ed.	50	18	3	43	18	2
Co. Supt. Schools	66	9	3	32	32	7
Co. School Bd.	53	11	4	20	34	6
Library Board	1	0	0	0	1	0
Ice	1	0	0	0	0	0
Bus Lines	1	0	0	1	0	0

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